IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 07.07.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice V.DHANAPALAN

Writ Appeal No. 2274 of 2004
& WAMP No.4215 of 2004

G.Sivalingam ... Appellant

Vs.

1.The State of Tamil Nadu,
rep. by the Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai-9.

2.The Land Acquisition Officer&
Special Deputy Collector(L.A.)
Chennai Metropolitan Development
Authority, Egmore,
Chennai-600 008. .. Respondents

Writ appeal filed under Clause 15 of the Letters Patent against the order dated 10.04.2003 made in W.P.No.2219 of 1998.

WP 2219 of 1998: Petition presented to this court under Article 226 of the constitution of India to issue a writ of Certiorari calling for the entire records in connection with proceedings in notification under Sec.4(1) of the Act in G.O.Ms.248 dated 9.3.94 and published in Government Gazette dated 6.4.94 and also the declaration made under sect.6(1)of the Act in G.O.Ms.595 dated 28.6.95 and quash the same.

For Appellant : Mr.S.N.Narasimhulu
For Respondents : Mr.P.Wilson
1 and 2 Special Government Pleader

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JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

Aggrieved by the common order dated 10.04.2003 made in W.P.No.2219 of 1998 etc, G.Sivalingam has filed the above appeal.

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2. The learned single Judge apart from the writ petition filed by the appellant G.Sivalingam in W.P.No.2219 of 1998, disposed of two other writ petitions by the impugned order dated 10.04.2003.

3. Heard Mr.S.N.Narasimhulu, learned counsel for the appellant as well as the Mr.P.Wilson, learned Special government Pleader for the respondents.

4. In the writ petition, the petitioner challenges the notification issued under Section 4(1) of the Tamil Nadu Land Acquisition Act(hereinafter referred to as "the Act") and declaration made under Section 6 of the Land Acquisition Act(Central Act). The purpose of acquisition is for the development of residential and commercial neighbourhood scheme on both sides of the Inner Ring Road to ensure and to regulate orderly development by Madras Metropolitan Development Authority under their project known as A1 Land Assembly and Development Project along Inner Ring Rod. Before the learned single Judge, it is fairly admitted that the petitioner has no grievance with regard to any procedural lapse or acquisition proceedings initiated by the respondents. It is also clear from the finding of the learned single Judge that the appellant and two others were given fair and reasonable opportunity to make their objection to the proposed acquisition and in fact they participated in the 5-A enquiry. In such circumstances, there is no need to go into the compliance of the provisions of the Act and Rules.

5. The order of the learned single Judge shows that the writ petitioner approached this Court after passing of the award and taking note of the date of notification under Section 4(1) and declaration under Section 6 of the Act as well as the date of award and also taking note of the fact that possession was taken, the learned single Judge has concluded that the writ petition is liable to be dismissed on the ground of delay. On going through the materials, we agree with the said conclusion.

6. After finding that there is no merit in the writ petition, the learned single Judge has permitted the petitioner to make a representation to the authority concerned within a period of 30 days from the date of the receipt of the copy of the order seeking exemption from the impugned project. In the same order, the learned single Judge has directed the authority to consider the said representation and pass orders within a period of 60 days from the date of receipt of the said representation.

7. In view of the admitted factual position and of the fact that the entire acquisition proceedings were concluded after complying with the provisions and possession was also taken, we do not find any valid ground for interference.

8. Though the learned single Judge himself has granted permission

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to make a representation seeking exemption from the Project, in the absence of the result of the said representation and in view of the request made by the learned counsel for the appellant, we once again grant permission to the appellant to make a fresh representation if any within a period of two weeks from the date of receipt of copy of this order to the first respondent-Government. If any such representation, if any, is made, the first respondent is directed to consider and dispose of the same in accordance with law within a period of 12 weeks thereafter.

9. With the above observation, the writ appeal is dismissed. No costs. Consequently, WPMP No.4215 of 2004 is dismissed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1.The Secretary to Government,
State of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George,
Chennai-9.

2.The Land Acquisition Officer&
Special Deputy Collector(L.A.)
Chennai Metropolitan Development
Authority, Egmore,
Chennai-600 008.

+3ccs to Mr.S.N.Narasimhulu,Advocate Sr 29280
+1cc to Govt. Pleader SR 29406

PV (CO)
km/19.7.

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